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Masahiko Nakano

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06/06/2006

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EXAMINER

ZANELLI, MICHAEL J

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3661



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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/619,034

Filing Date: July 15, 2003

Appellant(s): NAKANO, MASAHIKO

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Holly N. Moore  
For Appellant

**REVISED EXAMINER'S ANSWER**

Art Unit: 3661

This is in response to the remand from the Board on 5/25/2006 for technical reasons. The previous Examiner's Answer is hereby **VACATED** and this Revised Examiner's Answer substituted therefor. The Examiner's Answer mailed 12/22/2005 did not list the patents relied upon under the heading "**Evidence Relied Upon**". It is clear from the original Examiner's Answer and Appellant's response(s) which patents were relied upon in support of the rejection(s). Thus there is no substantive change in this Revised Examiner's Answer requiring further Appellant response. The reply brief filed 2/1/06 will be taken into consideration relative to the Revised Examiner's Answer.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Claims 1-3 are rejected as obvious under 35 U.S.C. §103(a) over U.S.

Patent Publication No. 2002/0177944 to Ihara et al. (Ihara) in view of U.S. Patent No. 5,396,431 to Shimizu et al. (Shimizu).

**GROUND OF REJECTION NOT ON REVIEW**

The following grounds of rejection have not been withdrawn by the examiner, but they are not under review on appeal because they have not been presented for review in the appellant's brief:

- Rejection of dependent claims 7-14 as obvious under 35 U.S.C. §103(a) over Ihara in view of Shimizu.

- Rejection of claims 4-6 as obvious under 35 U.S.C. §103(a) over Ihara and Shimizu, and further in view of U.S. Patent No. 6,199,014 to Walker et al. (Walker) and U.S. Patent No. 6,182,010 to Berstis.

Appellant has not separately argued the patentability of dependent claims 4-14.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

U.S. 2002/0177944    Ihara et al.    11-2002

U.S. 5,396,431        Shimizu et al.    3-1995

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara in view of Shimizu.

- A. As per claims 1-3, Ihara discloses a navigation apparatus (Fig. 1) which may be disposed on a vehicle [0045]. Although the reference is primarily directed to creating the “main points” on a desired route to a destination (see Fig. 3B), Ihara also discloses how the created “main points” may be selected during vehicle operation to access related information about the point such as photographs or images [0017]. The points may be accessed by manual selection via a touch screen or through command buttons as well as displaying information based on the running movement of the vehicle [0044-0046].
- B. Claims 1-3 differ in that the displayed photographs are aerial or satellite photographs. Ihara merely discloses that photographs may be displayed corresponding to the mark on the route [0017]. However, at the time of applicant’s invention it was known in the art to utilize aerial or satellite photographs of points on a route to assist a user in navigation. For example, Shimizu shows in Fig. 6A an aerial or satellite photograph encompassing a point along a displayed navigation route (col. 6, lines 21-40). One of ordinary skill in the art would have found it obvious to utilize aerial or satellite photographs/images in the Ihara system because use of these type of photographs for this purpose were well-known in the navigation arts as exemplified by Shimizu.

**(10) Response to Argument**

1. With regards to appellant's arguments at items A1-2, Ihara was applied for the basic teaching of allowing a user to select a point along a route and display additional information about that point, including photographs and images. Appellant's overly narrow interpretation of the basic teachings of Ihara attempt to suggest that only certain types of images are applicable. The examiner disagrees. One of ordinary skill in the art would have found it obvious to modify Ihara to include a wide variety of information/images whereby the information/images would have informed the user about the selected point.

2. With regards to appellant's arguments at item A3, appellant states that Shimizu does not display a user-selected main point on a route. However, as noted above Shimizu was not applied for this feature. Ihara was cited as teaching the user-selection of a main point on a route. Again, Shimizu was applied for showing that aerial/satellite images were used in navigation systems to provide the user with information about a geographical area. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. With regards to appellant's arguments at item A4, appellant argues that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In*

Art Unit: 3661

*re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Ihara discloses providing additional information about a point on a route, including photographs/images, whereas Shimizu discloses a known type of photograph/image to inform a user about a geographical area. Both references are directed to providing the user with information to aid in navigation.

4. With regards to appellant's arguments at item B, appellant argues limitations not found in claim 3 ("displaying a photograph of a surrounding of a point (e.g., when the vehicle approaches that point)"). Even if the claim included this limitation, moving map display systems are well-known in the art in which the surrounding geographical area is displayed based on the location of the vehicle (Shimizu, col. 6, lines 21-40).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



MICHAEL J. ZANELLI  
PRIMARY EXAMINER

Conferees:

Thomas G. Black 

Gary Chin 